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SEC

SERVICE DATE – LATE RELEASE OCTOBER 29, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42058

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

v.

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY  
AND UNION PACIFIC RAILROAD COMPANY

Decided: October 29, 2004

By decision served on October 7, 2004, the Surface Transportation Board announced that it will hold an oral argument in this proceeding on Tuesday, November 2, 2004, at 10:00 a.m., in Room 760, the Board's Hearing Room, on the 7th floor at the Board's headquarters in the Mercury Building, 1925 K Street, N.W., Washington, DC. Participation is limited to the parties' representatives, as set out below. At issue is the reasonableness of the joint rates charged by The Burlington Northern and Santa Fe Railway Company (BNSF) and Union Pacific Railroad Company (UP) (collectively, defendants) for transporting unit-train movements of coal from mines at North Tipple and Lee Ranch, NM, to Arizona Electric Power Cooperative, Inc.'s (AEPCO) Apache Generating Station in Cochise, AZ.

**Instructions for Attendance at Hearing**

The Board requests that all persons attending the oral argument use the Mercury Building's main entrance at 1925 K Street (on the northeast corner of the intersection of 20th and K Streets). There will be no reserved seating. Please plan to arrive early enough to be seated no later than 9:45 a.m. For security reasons, all persons should be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, and any other bags. Visitors must be cleared through security in the Board's Suite 100 (on the 1st Floor, at the top of the ramp to the left of the main lobby) prior to being escorted to the hearing room.

Quiet laptops and tape recorders may be brought into the hearing room, but absolutely no provision will be made for the connection of personal computers to Board telephone lines. Cellular telephone use is not permitted in the hearing room, or in the rear anteroom. Cellular phones may only be used outside the hearing room.

The Board's hearing room does comply with the Americans With Disabilities Act, and persons needing such accommodations should contact Beverly Ledbetter in the Board's Office of Proceedings at (202) 565-1664, by the close of business on Monday, November 1, 2004.

### **Schedule of Appearances**

In response to the Board's decision scheduling the oral argument, the parties provided the names of their respective speakers, together with written summaries of the specific points to be raised at the oral argument. The speakers should be prepared to answer questions from the bench, particularly with respect to the matters the parties propose to address.

Complainant will be allotted 40 minutes of argument time and defendants will collectively be allotted 40 minutes of argument time. Complainant will open and may reserve part of its time for rebuttal. The following speakers are scheduled to address the Board: for the complainant, AEPCO, Robert D. Rosenberg; and for the defendants, BNSF and UP, Samuel M. Sipe, Jr. and David L. Meyer, respectively.

If a party wishes to enhance its argument by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the Hearing Room's projection system on November 1, 2004, from 2 p.m. to 4 p.m. Please call (202) 565-1664 to make arrangements.

This action will not affect either the quality of the human environment or the conservation of energy resources.

### **It is ordered:**

1. Admittance to the Surface Transportation Board oral argument on November 2, 2004, will be based upon the conditions set forth above.
2. Time is allocated to the speakers as discussed above.

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary